

REMARKS

Claims 1-4 are all the claims pending in the application. Claims 1-4 have been amended for clarity and form.

I. Formalities

Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority and confirming receipt of the certified copy of the priority document.

Applicant notes that the Examiner has not indicated that the drawings filed February 27, 2004 have been accepted or objected. Applicant respectfully requests the Examiner do so in the next Office Action.

In addition, Applicant thanks the Examiner for signing and returning a copy of the SB/08 form submitted with the Information Disclosure filed on February 27, 2004 and for indicating that all references except those lined through have been considered. Applicant further notes that no reference was "lined through." However, for clarity and to ensure no formal issues arise, Applicant respectfully requests the Examiner initial each reference listed on said SB/08 form to indicate that each was considered and return a signed copy thereof. Applicant would greatly appreciate such action.

II. Specification

Applicant respectfully requests the Examiner withdraw the objections to the specification in view of the self-explanatory amendments presented above. With regard to the objection to the paragraph "on page 4," Applicant notes that the Examiner incorrectly indicated the page number of the objected paragraph. The correct page should have been page 7 as this is the page upon which the cited paragraph appears on the correct line numbers. If the Examiner does not believe this to be correct, Applicant respectfully requests the Examiner contact the undersigned representative and indicate such disagreement.

III. Claim Rejections - 35 U.S.C. § 102

Claims 1-3 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Kavanagh (US 6,748,434, “Adaptive Node Selection). Applicant respectfully traverses the rejection.

Applicant respectfully submits that Kavanagh fails to teach or suggest “a data network utilizing the **IPv6 protocol stack**.” Kavanagh also fails to teach or suggest “a **plurality of IPv6 addresses associated with said second network element**.” Further, Kavanagh fails to teach or suggest “address sequencing means for sequencing [...] a **plurality of IPv6 addresses associated with said second network element**, for putting one or more IPv6 addresses associated with said second network element in the order of the sequence in said response.”

As explained in the introduction of the application and in the beginning of section 1 of the IETF draft by Draves, **a feature of IPv6 is to enable a network element to have several IP addresses assigned to an interface**. This gives rise to problems of source address selection and destination address selection, which are specific to IPv6 networks.

Kavanagh does not mention IPv6 networks. Further, Kavanagh fails to teach or suggest a “**plurality of IP addresses associated with a given network element**.” When Kavanagh refers to a **plurality of addresses, those belong to different network elements**, i.e. GGSNs (col. 5 lines 1-4; col. 9 lines 9-15). Indeed, Kavanagh discloses a node selector that filters network nodes and/or network links (col. 2 lines 1-11). The nodes and links are represented by IP addresses (col. 2 line 9). Hence, the entities that are subjected to selecting, grouping and/or preference ordering **are respective nodes represented by respective addresses**. The criteria taught by Kavanagh to effect this grouping or filtering are nodal criteria such as geographical location, functionality, or capacity (col 2 line 25-27), i.e. criteria that refer to features of the respective nodes (see also “local GGSN” col. 9 lines 29-36).

Therefore Kavanagh fails to disclose address sequencing means for sequencing a plurality of IPv6 addresses associated with a given network element.

Accordingly, Applicant respectfully submits that claim 1 is not anticipated under 35 U.S.C. § 102(e) by Kavanagh, because the reference does not disclose all of the features and limitations of the claim. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 1, and claims 2-3 at least by virtue of their dependency from claim 1.

IV. Claim Rejections - 35 U.S.C. § 103

Claim 4 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kavanagh, as applied to claim 3 above, further in view of IETF Draft by Draves (“Default Address Selection for IPv6”, hereinafter Draves”) and Keith Moore’s email posted on the IETF IPv6 Operations (v6ops) Working Group’s discussion board on November 18, 2002, hereinafter “Moore”. Applicant respectfully traverses the rejection.

Above, Applicant pointed out that Kavanagh is deficient vis-à-vis independent claim 1. Applicant respectfully submits that Draves and Moore fail to compensate for the deficiencies of Kavanagh.

In particular, the IETF draft by Draves deals with the problem of enabling an application at an IP host to select an address among a list returned by a Domain Name Server. **The preference order for using those addresses is determined by the IP host, not the DNS.** (Last sentence of Abstract, 3rd paragraph of section 1.)

Therefore, Draves fails to teach or suggest “**a domain name server including address sequencing means** for sequencing [...] a plurality of IPv6 addresses associated with said second network element, and for putting one or more IPv6 addresses associated with said second network element in the order of the sequence in said response.”

Further, the person skilled in the art did not have any motivation to combine Draves with Kavanagh. Draves deals with the issue of address selection, which is specific to IPv6 networks. Kavanagh does not relate to IPv6 networks. The person skilled in the art of IPv6 networks would not have any motivation to consult Kavanagh.

With regard to Moore's email, it simply teaches that "**the network** should make a best effort to deliver the traffic to whatever address is used over the links permitted for such use." Therefore, Moore fails to provide any motivation for combining Draves with Kavanagh. By referring to "the network" in general, **Moore fails to direct the person skilled in the art to any specific network element.** By referring to "delivering the traffic," which is the overall purpose of a data network, **Moore fails to direct the person skilled in the art to any specific one of the diverse, numerous processes and steps that contribute to this overall purpose in the diverse, numerous components of a data network.** Therefore, a motivation for linking the problem of address selection in an IPv6 network with the operation of a DNS can only be found in the applicant's disclosure.

Therefore, claim 4 would not have been obvious within the meaning of 35 U.S.C. §103(a). Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 4.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

/Logan J. Brown 58,290/
Logan J. Brown
Registration No. 58,290

Date: February 26, 2008